

Remarks/Arguments:

In response to Examiner's note that a copy of EP 0369440 was not provided Applicant thanks the Examiner for bringing this to the Applicant's attention. A copy of EP 0369440 is included with this response.

Claims 18-24 are pending. The Examiner indicated that Claims 19-24 are Allowed. Applicant gratefully acknowledges Allowance of claims 19-24. The Examiner has rejected Claim 18 under 35 U.S.C. 102(b) as anticipated by Bich et al.

In the August 4, 2006, Office Action the Examiner rejected claim 18 "under 35 U.S.C. 102(b) as being anticipated by Bich et al. (part of the record)." The applicant believes the Examiner is referring to US Patent No. 6,050,071 to Bich et al. and the Applicant replies as follows based on this assumption.

In the August 4, 2006, Office Action the Examiner stated that the Bich reference discloses "a roll body (starting at the front auger ref 30 and ends at rear end of stalk roll ref 40), drivers (unnumbered driver at auger 30, and flutes ref 43); driver inner edge is adjacent to the body (see fig 3); body front end diameter is greater than the rear end diameter of the body (see fig 3, the rear edge of auger 30 is slightly higher than the body 4); the driver front end diameter is less than the rear diameter (see unnumbered front driver is slightly below the rear driver 43)."

The Applicant respectfully disagrees. The Applicant believes the Examiner has incorrectly interpreted the prior art and improperly applied it to the Applicant's application. The Applicant respectfully requests further examination of the Applicant's application as well as reconsideration of the Examiner's interpretation of the '071 patent and how it is applied to the Applicant's application. Additionally, the Examiner completely ignores the Applicant's remarks and argument and instead comments on what is contained in the preamble of Applicant's claim which is not a basis of the Applicant's remarks or argument.

The Examiner appears to be relying on close up portions of Figure 3 in the '071 patent to assert that "the roll body front diameter is greater than the roll body rear diameter" and "the stalk roll front diameter is less than the stalk roll rear diameter" as the Applicant has disclosed and claimed. However, the descriptions of the drawings do not support the Examiner's interpretation.

It appears that the Examiner points to is the interface between the front auger 30 and the stalk roll 40 to show that the Applicant's limitation that "the roll body front diameter is greater than the roll body rear diameter" had been previously disclosed.

However, this is not what the drawing discloses.

Although the drawing relied on by the Examiner appears to show that the diameter of the auger 30 is greater than the diameter of the stalk roll 40, this is not relevant, as this is not what is disclosed or claimed by the Applicant.

The Applicant discloses and claims a stalk roll wherein "the roll body front diameter is greater than the roll body rear diameter." The applicant does not claim a stalk roll where the auger diameter is greater than the roll body diameter, and this is all that the drawing relied on by the Examiner appears to show. The Applicant's roll body does not include the auger and the '071 patent's roll body 40 does not include the auger 30. Thus, the drawing relied on by the Examiner does not show a stalk roll body that has a front diameter greater than the rear diameter.

Additionally, one of ordinary skill in the art recognizes that the auger is not a part of the stalk roll but is a separate and distinct element. The '071 patent treats the auger and the stalk roll as two as separate and distinct elements (see the '071 patent col. 3, l. 55 to col. 4 l. 14). Additionally, in col. 3 ll. 55-62 the '071 patent points out that "the corn stalks are drawn reward by the front auger 30 and then cut by the stalk roll 40." Furthermore, the front auger is not a part of a roll body as disclosed and claimed by the Applicant (see Applicant's Figure 6 elements 34 and 60). Thus, a person of ordinary skill in the art knows that a roll body does not include the front auger as the Examiner asserts.

Furthermore, this is not a case where the Applicant is attempting to claim a one piece structure where it was formerly a two piece structure as the Examiner suggests in relying on the *Howard v. Detroit Stove Works* case. On the contrary, the Applicant's disclosure still shows that an auger, referred to by the applicant as a screw conveyor, and shown in Applicant's Figure 6 as element 34, is still necessary. Thus, clearly the stalk roll is a separate element from the auger or a screw conveyor and the Applicant is not attempting to claim a unitary piece where that piece was formerly a two piece article.

Finally, the body of the stalk roll in Figure 2 of the '071 patent clearly shows the stalk roll body 40 has the same diameter in the front as the back and the auger 30 is a separate element. Thus, if the Examiner compares the stalk roll body

disclosed in the '071 patent and the stalk roll body disclosed and claimed in the Applicants application, nowhere in the '071 patent are all of the elements of Applicant's Claim 18 disclosed or suggested.

Additionally, it appears that the Examiner points to is the front auger flutes and the stalk roll flutes 43, referred to as roll drivers by Applicant, to show that the Applicant's limitation that "the stalk roll front diameter is less than the stalk roll rear diameter" had been previously disclosed.

However, this is not what the drawing discloses.

Although the drawing relied on by the Examiner appears to show that the diameter of the auger flutes is less than the diameter of the stalk roll flutes 43, this is not relevant, as this is not what is disclosed or claimed by the Applicant.

The Applicant discloses and claims a stalk roll wherein the roll body and roll drivers together define a stalk roll diameter wherein "the stalk roll front diameter is less than the stalk roll rear diameter." The applicant does not claim a stalk roll where the auger flutes diameter is less than the roll body flutes diameter and this is all that the drawing relied on by the Examiner appears to show. The Applicant's roll body does not include the auger and the '071 patent's roll body 40 does not include the auger 30. Thus, the drawing relied on by the Examiner does not show a stalk roll that has a front diameter less than the rear diameter.

Additionally, one of ordinary skill in the art recognizes that the auger and auger flutes are not a part of the stalk roll or stalk roll flutes (referred to by Applicant as roll drivers) but instead are separate and distinct elements. The '071 patent treats the auger 30, and thus its flutes, and the stalk roll 40, and thus its flutes 43, or roll drivers, as separate and distinct elements (see the '071 patent col. 3, l. 55 to col. 4 l. 14). Additionally, in col. 3 ll. 55-62 the '071 patent points out that "the corn stalks are drawn reward by the front auger 30 and then cut by the stalk roll 40." Furthermore, the front auger 34 is not a part of a roll body 60 or the roll drivers 62 as disclosed and claimed by the Applicant. Thus, a person of ordinary skill in the art knows that a roll body does not include the front auger as the Examiner asserts.

Furthermore, this is not a case where the Applicant is attempting to claim a one piece structure where it was formerly a two piece structure as the Examiner suggests in relying on the *Howard v. Detroit Stove Works* case. On the contrary, the Applicant's disclosure still shows that an auger, referred to by the applicant as a

screw conveyor, and shown in Applicant's Figure 6 as element 34, is still necessary. Thus, clearly the stalk roll is a separate element from the auger or a screw conveyor and the Applicant is not attempting to claim that what was formerly a two piece article is now a one piece article.

Finally, the diameter of the body of the stalk roll 40 and the stalk roll flutes 43 in Figure 2 of the '071 patent clearly shows the stalk roll 40 and stalk roll flutes 43 has the same diameter in the front as the back and the auger 30, and thus auger flutes, are separate elements. Thus, nowhere in the '071 patent are all of the elements of Applicant's Claim 18 disclosed or suggested.

Since independent claim 18 contains elements not disclosed or suggested in the prior art of record the Applicant respectfully requests allowance of claim 18.